

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTOINE ACEVEDO,

Plaintiff,

v.

STROUDSBURG SCHOOL DISTRICT,

Defendant.

NO. 3:15-CV-02035

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

ORDER

NOW, this 21st day of October, 2016, upon review of the Report and Recommendation of Magistrate Judge Saporito (Doc. 12) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) Magistrate Judge Saporito's Report and Recommendation (Doc. 12) is **ADOPTED in its entirety**.
- (2) Defendant's Motion to Dismiss (Doc. 8) is **GRANTED in part and DENIED in part**.
- (3) Defendant's Motion to Dismiss (Doc. 8) is **GRANTED** with respect to Plaintiff's request for punitive damages, which is **DISMISSED with prejudice**.
- (4) Defendant's Motion to Dismiss (Doc. 8) is **DENIED** with respect to all other claims.
- (5) Defendant shall file an Answer to the Complaint **within fourteen (14) days** from the date of entry of this Order.
- (6) The matter is **RECOMMENDED** to Magistrate Judge Saporito for further proceedings.



A. Richard Caputo
United States District Judge